



**Advisory Memorandum**

**May 7, 2021**

**TO: All Insurers of Exchange Certified Stand-alone Dental Plans**

**FROM: Life and Health Division**

The purpose of this memorandum is to notify all interested insurers of important filing information that is or will soon be available to assist individuals in preparing and submitting various 2022 Plan Year exchange certified stand-alone dental (SADP) insurance submissions – insurance forms and rates to the North Carolina Department of Insurance (NCDOI) for review and approval. Insurers that will be seeking approval from NCDOI of SADP forms and rates that are subject to requirements of the Affordable Care Act and related state laws are encouraged to refer to this memo and the resources it identifies. Generally, this includes products intended to be sold and issued in North Carolina in 2022 in the individual or small group markets as described in one or more of the following categories:

- Exchange-certified stand-alone dental plans (SADPs) whether sold on or off the exchange.

Although NCDOI has not made any significant changes in the filing requirements from those in place in 2021, NCDOI is providing this updated information to facilitate the submission process and apprise insurers of important requirements and critical deadlines.

Insurers filing exchange certified SADPs to be sold on or off the FFM and/or FF-SHOP should pay close attention to the information in the *2022 Letter to Issuers in the Federally-facilitated Marketplaces*, dated May 6, 2021 from the Center for Consumer Information and Insurance Oversight (CCIIO). That letter can be accessed at this link:

<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Final-2022-Letter-to-Issuers-in-the-Federally-facilitated-Marketplaces.pdf>

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## I. General Filing Requirements

The following documents are intended to be a resource to assist insurers in making a 2022 plan year SADP regulatory filings in North Carolina, and they will be updated and made available in SERFF and/or on NCDOL's website as noted below:

SERFF General Instructions

NC Required Attestations

Guidance information is posted at:

<https://www.ncdoi.gov/insurance-industry/form-and-rate-filings/life-and-health/health-insurance-industry/information-insurers#general-information>

*As the above information is updated, insurers will be notified of the updates through SERFF blasts, emails, or posts to the appropriate NCDOL webpage. Insurers should check back for updates regularly.*

Insurers should note that NC is a full Federally Facilitated Marketplace (FFM) and therefore all QHP certification requirements are confirmed by the FFM, this further means that insurers wishing to have a QHP certification for an SADP must submit the federal QHP application through the federal systems as required. NCDOL will not make any decisions relating to a plan being certified as a QHP.

## II. Timelines

**NCDOL will not set any specific due date for SADPs regulatory filings.** NCDOL will follow the federal guidelines for completion of the exchange certified SADP reviews (August 18, 2021), and insurers should time their submission of forms and rates to give NCDOL at least 90 days to complete our reviews. Please refer to the Section IV for additional information.

## III. SERFF Plan Binders and Federal Templates

***SADPs: Insurers filing SADPs to be exchange-certified, whether or not the plans are intended to be offered on the FFM/SHOP, are NOT required to submit a binder or any of the federal templates to NCDOL.***

Insurers seeking SADP certifications are encouraged to also monitor the REGTAP website which is where CCIIO/FFM issues information of interest to QHP and SADP certified insurers.

#### IV. Stand Alone Dental Plans Seeking Exchange Certification

***Insurers of SADPs do NOT have to submit a Plan Binder nor any federal templates to NCDOL.***

NCDOL will not require submission of Plan Binders for SADPs seeking certification for use on the FFM or who are seeking exchange certification for use outside the exchange. Insurers should follow guidance issued by the FFM to complete and submit a SADP application through HIOS in order to get plans certified for sale on the FFM or for sale off the exchange in North Carolina.

Insurers must still submit policy forms and rates SEPARATELY through the normal SERFF filing submission processes to the Life & Health Division for the Department's prior review/approval as required by state laws.

Insurers should cross reference the SERFF tracking numbers of the associated form filing on the respective rate filing, and vice versa.

***Insurers should submit the forms and rate filings SEPARATELY in close conjunction to their submission to HIOS. Insurers should in their SERFF form and rate submission indicate their intent to be a stand-alone dental plan on the exchange and/or their intent to seek exchange certification for off the exchange business, and/or indicate that the plans contained in the filing are intended to provide the pediatric dental essential health benefit.***

***Insurers should ONLY use the following SERFF TOIs and sub-TOI for these submissions:***

TOI	Sub-TOI
H10G Group Health – Dental	H10G.001 Health – Pediatric Dental
H10I Individual Health – Dental	H10I.001 Health – Pediatric Dental

NCDOL will not set any specific due date for SADPs regulatory filings, but asks insurers to give NCDOL 90 days to complete our reviews. NCDOL will follow the federal guidelines for the review timeline for certified SADPs and therefore expects to have exchange certified SADP reviews completed by August 19,2021.

For Insurers with Previous Certified SADP Form Approvals: If the insurer has received previous approval of forms which were identified for use with certified SADPs, and the insurer does not intend to make any changes to the previously approved forms for the 2021 plan year, then the insurer only needs to submit the 2022 plan year rates as noted below.

2022 Rate Filings for INDIVIDUAL business for Insurers with Previous Certified SADP Rate Approvals: Per NCGS §58-51-95(h), all insurers of individual accident and health insurance must annually submit a rate filing which demonstrates compliance with the statute. Additionally, if an insurer is changing rates on individual accident and health business, the insurer must seek the Department's prior approval per NCGS §58-51-95(f). Therefore, all individual dental SADP insurers who received DOI approval of individual certified SADPs for 2021, must submit a rate filing for the 2022 plan year that either demonstrates compliance with NCGS §58-51-95(h) or demonstrates the need for a change in the rates under NCGS §58-51-95(f). Such rate filings must follow the requirements of T11 NCAC 16.0205 and include an actuarial memorandum/certification and other specified data. The insurer should use the TOIs noted above and indicate that the submission is related to SADPs seeking certification or recertification and should reference the form filing(s) under which the Department approved the forms associated with the rates and where the forms had been accepted for use with SADPs. ***The filing should also indicate if certification is being sought for on-exchange, off-exchange, or both. Additionally, NCDOL will require that the issuers to indicate the AV level being utilized and an actuarial certification of the AV level.***

2022 Rate Filings for GROUP business for Insurers with Previous Certified SADP Rate Approvals: In order to allow NCDOL to track insurers intending to participate on the FFM or FF-SHOP, and in order to be sure compliance with the pediatric dental EHB provision is met, NCDOL requests that group SADP insurers who received approval of Certified SADPs for 2021, and who are seeking new certifications or re-certifications for 2022, submit their 2022 rate filing for NCDOL's records. The submission should use the TOIs noted above, include the rates (whether changed from 2021 or not), and the actuarial memorandum with proper certifications. Insurers should indicate that the submission is related to SADPs seeking certification or recertification and should reference the form filing(s) under which the Department approved the forms associated with the rates and where the forms had been accepted for use with SADPs. ***The filing should also indicate if certification is being sought for on-exchange, off-exchange, or both.***

Insurers submitting SADPs for certification for use in the FF-SHOP should be aware that child-only policies are not accepted by the FF-SHOP.

Note that if the insurer of the group SADP is authorized under Article 67 of Chapter 58 of the North Carolina General Statutes, then the insurer must receive prior approval of its rates on an annual basis per NCGS §58-67-50.

If the insurer has a provider network associated with the SADP such that it intends to provide a Dental PPO plan, then the insurer must seek NCDOI approval of its PPO operations, including review of internal processes and provider contracts. Refer to <https://www.ncdoi.gov/licensees/life-and-health-licensing/ppo-licensure-and-modification-filings> for information on such filings.

#### **V. NCDOI Contact Information**

Questions about this memo may be directed to Rosemary Gillespie at (919) 807-6070 or by email to [rosemary.gillespie@ncdoi.gov](mailto:rosemary.gillespie@ncdoi.gov).